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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,429	10/15/2001	Michael J. Mezeul	131105.1011	5001
32914 7590 04/09/2008 GARDERE WYNNE SEWELL LLP INTELLECTUAL PROPERTY SECTION 3000 THANKSGIVING TOWER 1601 ELM ST DALLAS, TX 75201-4761				
EXAMINER RYMAN, DANIEL J				
ART UNIT 2616		PAPER NUMBER		
MAIL DATE 04/09/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/978,429

Applicant(s)

MEZEUL ET AL.

Examiner

DANIEL J. RYMAN

Art Unit

2616

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 13, 25, 28, 29, 32-34 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 13 and 32 is/are allowed.
- 6) ☒ Claim(s) 6, 8, 9, 12, 25, 29 and 34-37 is/are rejected.
- 7) ☒ Claim(s) 7, 28, 33 and 38-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 January 2008 has been entered.
2. Applicant's arguments, see Response, filed 31 January 2008, with respect to claims 1-5, 7, 13, 28, 32, 33, and 38-40 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.
3. Applicant's arguments with respect to claims 6, 8, 9, 12, 25, 29, and 34-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 6 is objected to because of the following informalities: in line 3, "the packet" should be "the modified packet"; in line 3, "at a switch" should be "at the switch"; and, in lines 4-5, "packet to the one of the to a predetermined port" should be "packet to a predetermined port". Appropriate correction is required.
5. Claim 7 is objected to because of the following informalities: in line 3, "at a switch" should be "at the switch". Appropriate correction is required.
6. Claim 8 is objected to because of the following informalities: in line 3, "at a switch" should be "at the switch". Appropriate correction is required.

7. Claim 28 is objected to because of the following informalities: in line 3, “at a switch” should be “at the switch”. Appropriate correction is required.

8. Claim 29 is objected to because of the following informalities: in line 3, “the packet” should be “the modified packet” and, in line 3, “at a switch” should be “at the switch”. Appropriate correction is required.

9. Claims 33-40 are objected to because of the following informalities: in line 9 of claim 33, “circuits, the address” should be “circuits; the address” to clearly delineate that the clause “the address specifying the second interface circuit” does not modify the phrase “the internal routing label . . . addressable circuits”; and in line 11 of claim 33, “and specifying” should be “and the address specifying”. Appropriate correction is required.

10. Claims 38 and 39 are objected to because of the following informalities: in line 3 of claim 38, “circuits within the node” should be “circuits within the apparatus”. Claim 33, which claim 38 depends upon, discloses that the apparatus comprises a plurality of circuits, where the apparatus is within the node. Therefore “circuits within the apparatus” clearly delineates that the claimed circuits are the circuits in the apparatus previously referred to rather than circuits within the node but not within the apparatus. Appropriate correction is required.

11. Claim 39 is objected to because of the following informalities: in line 2, “circuits within the node” should be “circuits within the apparatus”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 6, 8, 9, 12, 25, 29, and 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. Claim 6 recites the limitation "the interface" in line 3. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the interface" to "the first interface circuit".

15. Claim 8 recites the limitation "the processor" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the processor" to "the control circuit".

16. Claim 9 recites the limitation "the processor" in line 2. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the processor" to "the control circuit". Further, claim 9 recites the limitation "one of the plurality of circuit cards" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "packet to one of the plurality of circuit cards" to "packet to the first interface circuit". Finally, claim 9 recites the limitation "the processor" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the processor" to "the control circuit".

17. Claim 12 recites the limitation "the one of the plurality of circuit cards" in line 3. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the one of the plurality of circuit cards" to "the second interface circuit".

18. Claim 25 recites the limitation "the processor" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the processor" to "the control circuit".

19. Claim 29 recites the limitation "the one of the plurality of circuit cards" in both lines 2 and 4. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing both instances of "the one of the plurality of circuit cards" to "the second interface circuit".

20. Claim 34 recites the limitation "the control circuit" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the control circuit" to "a control circuit". Additionally, claim 34 recites the limitation "the plurality of circuit cards identified in the internal routing label" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests changing "the plurality of circuit cards identified in the internal routing label" to "the first circuit, which is identified in the internal routing label".

Allowable Subject Matter

21. Claims 1-5, 7, 13, 28, 32, 33, and 38-40 are allowed for the reasons given in the reply filed 31 January 2008.

22. Claims 6, 8, 9, 12, 25, 29, and 34-37 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL J. RYMAN whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571)272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
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